IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.2878 OF 1986

(1) Vivek Baburao Patil & Anr. .. Petitioners

Versus

(2) The Director, Tribal
Research & Training Institute,
Pune and Others. .. Respondents

Mrs.Deepa Ahuja i/b Mr.V.B.Naik for the petitioner

Mr.Y.D.Mullani, A.G.P. for the respondent no.1 to 5

CORAM: A.P.SHAH &
S.U.KAMDAR, JJ

DATED: 23RD SEPTEMBER, 2004

ORAL JUDGMENT (PER S.U.KAMDAR, J.):

1. In the present petition the petitioner is challenging the order passed by the caste scrutiny Committee invalidating the caste certificate of the petitioner. The petitioner claims that he belongs to a Scheduled Tribe known as Mahadeo Koli.

2. The application of the petitioner for caste scrutiny verification was considered by the Caste Scrutiny Committee and by an order dated 22nd May

1985 the claim of the petitioner came to be rejected.

3. The petitioner relied upon various documents before the committee and after considering the probative value of the said documents the Caste Scrutiny Committee has found that these documents do not justify the claim of the petitioner. The caste scrutiny committee has found that only the school leaving certificate of the petitioner indicates the caste as Mahadeo Koli. In respect of other documents on verification the committee has found that all these documents indicate that the caste of the petitioner and/or his relatives is Koli and not Mahadeo Koli. On the aforesaid consideration, the Caste Scrutiny Committee has given a finding of fact which is as under:

> "The School Leaving Certificate of the candidate Kumari Varsha Baburao Patil has a mention of her caste as Mahadeo Koli. It appears to be the manipulation made by the father of the candidates to show their castes as Mahadeo Koli for the sake of concessions available for the said community as from the school leaving certificate of the father it is clear that they belong Koli caste. Thus

> the caste certificate issued by the Tahsildar Uran, on the basis of the school leaving certificates of the candidates and an affidavit cannot be accepted in support of the caste claim of the candidates.
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> The Scrutiny Committee further feels that these caste certificates of both the candidates cannot be accepted as they are not in the prescribed revised form. The Government in social welfare, cultural affairs, sports, tourism dept. vide Resolution No.CBC-1680/43669/D.V dated 29-1980 have issued clear instructions under which it is obligatory on the part of the Scheduled Tribe caste certificate holders prior to the period of 29-10-1980 to obtain the caste certificates afresh from competent authority by producing necessary documentary evidence in support of the caste claim. In turn the competent authority is also required to verify the caste claim afresh with reference to check points mentioned in the above resolution. The candidates have not followed the above instructions and therefore the caste certificates obtained by the, since not the proper proforma and in accordance with above orders cannot be accepted as valid."

4. On the basis of the aforesaid finding of fact the committee has come to the conclusion that the petitioner has failed to establish his caste claim as Mahadeo Koli. In the aforesaid circumstances, the 2nd respondent committee has invalidated the caste claim of the petitioner herein.

5. We have perused the order passed by the caste scrutiny committee. We find that the caste scrutiny committee has considered all the documents and its probative value. We also do not find any perversity in the finding of fact recorded by the caste scrutiny committee on appreciation of the documentary evidence produced before it. We are not inclined to interfere with the finding of fact recorded by the caste scrutiny committee holding that the petitioner’s caste is Koli and not Mahadeo Koli. In the aforesaid circumstances, we dismiss the present petition. However, there shall be no order as to costs.